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Dockets Management Branch (HFA-305)
Food and Drug Administration
Room 1061
5630 Fishers Lane
Rockville, MD 20852

Re: Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002
Docket No. 02N-0278

Gentlemen:

This letter is submitted on behalf of the National Alcohol Beverage Control Association (NABCA) in response to the Notice of Proposed Rulemaking concerning the prior notice of imported food under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (68 *Federal Register* 5428, February 3, 2003).

By way of background, NABCA is a trade association whose voting members are the 19 jurisdictions that directly control the distribution and sale of alcohol beverages pursuant to the Twenty-First Amendment to the Constitution of the United States through the operation of state-owned wholesale, and, in some cases, retail outlets. These jurisdictions are Alabama, Idaho, Iowa, Maine, Michigan, Mississippi, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and Montgomery County, MD. These states, and the facilities they operate, would be subject to the proposed facility registration requirement because the products distributed and sold by the states – i.e., distilled spirits and in some cases, wine and beer – are considered to be food products.

While we understand the purpose of the proposed prior notification, NABCA believes that the information sought far exceeds that specified in the Act, is duplicative of information obtained by the U.S. Customs Service and would impose a severe administrative burden on those NABCA members who directly import alcohol beverages.

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Specifically, some of the information sought may simply not be available until the shipment actually lands in the United States and is accepted into a Customs bonded warehouse. Because failure to fully comply with the prior notice requirement, including the submission of an incomplete notice, could result in product detention, NABCA strongly urges FDA to utilize existing Customs data submissions rather than creating an entirely new reporting regime that could severely impact the efficient flow of product into this country.

NABCA would be happy to meet with appropriate FDA staff personnel to discuss these issues in greater detail, should the agency feel that such a meeting would be helpful in the formulation of the final rule.

Sincerely,

James M. Goldberg